

BOB OWEN WHITE, ET AL.

IBLA 72-205, etc.

Decided March 22, 1972

Appeals from decisions (U 16689, etc.) by Utah state office, Bureau of Land Management, requiring stipulations to oil and gas leases.

Affirmed.

Oil and Gas Leases: Generally--Oil and Gas Leases: Consent of Agency

The board adheres to its decision in Quantex Corporation et al., 78 I.D. 317 (1971), that applicants for oil and gas leases must give written acceptance to reasonable special stipulations requested by the Bureau of Land Management relating to protection of the land and surface resources under its jurisdiction and to stipulations governing use of lands in the oil shale area of Utah as conditions precedent to issuance of noncompetitive public domain oil and gas leases.

APPEARANCES: Each appellant, pro se.

#### OPINION BY MR. HENRIQUES

Bob Owen White and others 1/ have appealed individually from decisions in which the Utah state office, Bureau of Land Management, required each of them to agree to special stipulations as a condition precedent to issuance of noncompetitive oil and gas leases under § 17, Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 226 (1970), in response to their respective lease offers.

Each offeror was called upon to accept a stipulation that would require the lessee to notify, in writing, the appropriate district manager, Bureau of Land Management, of any proposed exploratory operations

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1/ See Appendix A for a listing of the IBLA docket numbers, BLM serial numbers, appellants, and stipulations required for each offer.

on the leasehold within his area of jurisdiction involving use of bulldozers, earthmoving or similar mobile equipment which might damage the surface resources, scar the public land or induce erosion, and in some cases to have prior approval from the district manager before beginning any exploratory operation which might result in damage to the public land or induce erosion. In two cases, the stipulations would permit only directional drilling from outside certain restricted areas. Another set of stipulations are directed to lands within the "oil shale areas" established by Executive Order No. 5327 of April 15, 1930, and Public Land Order 4522, September 13, 1968, 33 F.R. 14329.

The appellants contend essentially that the required stipulations will create unnecessary restrictions and deterrents against exploration for oil and gas under the federal leases. None, however, has adduced any argument which has not heretofore been presented in other appeals.

This Department has considered on many occasions each of the arguments presented by the appellants against imposition of special stipulations on oil and gas leases for the protection of the lands and their resources. In a recent decision, Quantex Corporation, et al., 78 I.D. 317 (1971), 2/ this Board reviewed the requirements for such stipulations and the authority of the Bureau of Land Management to impose them as a condition precedent to issuance of oil and gas leases. 43 CFR 3109.2 (1972). That decision held that as the required stipulations are not unreasonable or unduly restrictive, and since they will not prevent the orderly development of the oil and gas resources in the lands involved, they must be accepted by the appellants or the offers will be rejected.

The Board finds no reason to disturb its previous ruling expressed in Quantex, supra.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decisions appealed from are affirmed. Each appellant is allowed 30 days from the date of this decision within which to submit executed copies of the required stipulations to

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2/ Several of the appellants presently at bar had appeals included in the Quantex decision, or in Benjamin T. Franklin, 4 IBLA 130 (1971), and Geocon, Inc., and Cameo Minerals, Inc., et al., 5 IBLA 91 (1972), similar cases.

Utah state office, Bureau of Land Management, failing in which his offers herein discussed will be rejected without further notice.

Douglas E. Henriques, Member

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We concur:

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Newton Frishberg, Chairman

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Frederick Fishman, Member

## APPENDIX A

IBLA		BLM	
Docket	Appellant	Serial	Stipulations *
72-205	Bob Owen White	U-16689	BLM
72-230	Jean Oakason	U-17091	BLM, OS
72-237	Quantex Corp.	U-16975	BLM, OS
	BLM, OS	U-16977	BLM, OS
U-16978	BLM, OS	U-16979	BLM, OS
	U-16980	BLM, OS	U-16981
	U-16982	BLM, OS	U-16983
			BLM
72-241	Max J. Johnson	U-16988	BLM
		U-16989	BLM
72-242	Quantex Corp.	U-16875	BLM
72-244	Jean Oakason	U-16996	BLM, OS, PA
	BLM		
		U-17117	BLM
		U-17120	BLM, PA
72-245	John Oakason	U-16994	BLM, OS
	BLM, OS	U-17071	BLM, OS, PA
U-17088	BLM		
		U-17118	BLM, PA
		U-17121	BLM
		U-17122	BLM
72-254	Malcolm F. Justice, Jr.	U-16966	BLM
		U-16967	BLM
72-256	W. G. Lasrich	U-16947	BLM
72-262	Jean Oakason	U-14845	BLM
		U-17093	BLM
72-264	John Oakason	U-14844	BLM
		U-15450	BLM, OS
			U-17102
			BLM

72-271	Julian B. Falk	U-17350	BLM	
72-272	Richard B. Trexler	U-17251	BLM	
		U-17252	BLM	
		U-17253	BLM	
		U-17254	BLM	
		U-17255	BLM	
72-274	John Oakason	U-17092	BLM	
		U-17228	BLM	
		U-17260	BLM	
72-277	Jean Oakason	U-17268	BLM, PA	
72-287	Bob Owen White	U-17375	BLM	
72-289	M. J. Harvey, Jr.	U-17241	BLM, PA	U-17242
	BLM, PA		U-17243	BLM, PA
U-17261	BLM			
		U-17263	BLM	
		U-17264	BLM	
		U-17265	BLM, PA	U-17266
		U-17267	BLM	
		U-17321	BLM, PA	U-17322
				BLM, PA
		U-17323	BLM, PA	U-17324
			U-17325	BLM, PA
72-290	Bernard W. Cline	U-17525	BLM, OS	U-17526
	BLM, OS		U-17527	BLM, OS
72-292	Benjamin T. Franklin	U-17329	BLM	
		U-17330	BLM	
72-293	John Oakason	U-17318	BLM, PA	U-17319
	BLM, PA		U-17326	BLM
		U-17347	BLM	
		U-17466	BLM	

72-307	James A. Krumhansl	U-17607	BLM	
72-308	M. J. Harvey, Jr.	U-17528	BLM, PA	U-17529
	BLM, PA		U-17530	BLM, DD, PA
	U-17531	BLM, PA		U-17532
		U-17533	BLM, OS, PA	BLM, OS, PA
		U-17539	BLM, PA	U-17538
		U-17540	BLM, PA	BLM
		U-17542	BLM	
		U-17543	BLM	
		U-17544	BLM, DD, PA	
		U-17545	BLM	
		U-17546	BLM	
		U-17549	BLM	
		U-17550	BLM	
		U-17554	BLM, PA	
		U-17555	BLM	
		U-17556	BLM, PA	U-17557
		U-17558	BLM, PA	BLM, PA
72-309	Benjamin T. Franklin	U-17507	BLM	
		U-17508	BLM	
		U-17509	BLM	
		U-17510	BLM	
		U-17511	BLM	
		U-17512	BLM	
		U-17513	BLM	

\* BLM - Notice to district manager  
 OS - Oil shale lands involved  
 PA - Prior approval from district manager  
 DD - Directional drilling requirement.

